



California Fair Political Practices Commission

July 22, 1987

Judith L. Haddad
Chief Administrator
El Dorado Hills Community
Action Planning
P.O. Box 5168
El Dorado Hills, CA 95630

Re: Your Request for Advice
Our File No. A-87-170

Dear Ms. Haddad:

You have requested advice concerning the responsibilities of the El Dorado Hills Community Action Planning Organization (CAP) under the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/}

QUESTIONS

1. Must a recipient committee amend its Statement of Organization to list each new political activity it undertakes?
2. What campaign disclosure statements must be filed by CAP if it supports or opposes candidates or measures at an election?
3. May premiums, such as a baseball cap, be given to contributors to CAP's political activities?

CONCLUSIONS

1. A general purpose recipient committee must provide in its Statement of Organization a brief description of its political activities. When there is a substantial change in its purposes or activities, the committee must amend its Statement of Organization.
2. A recipient committee must file semi-annual campaign statements (Forms 420 or 425) whether or not it has had any activity during the six month period. In addition, depending on the nature of the committee's activities, it may be required to file additional "preelection" campaign statements.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

3. There is no provision in the Act which prohibits giving premiums to political contributors.

FACTS

Your organization qualified as a recipient committee and filed a Statement of Organization (Form 410) in January 1987. Two amendments to the Statement of Organization were filed, one to change its name and one to list additional officers and to add new activities to the committee's statement of purposes. Part of CAP's fundraising activities may involve giving a "cap" to contributors of \$20 or more as a "premium" to encourage more and larger contributions.

ANALYSIS

A Statement of Organization, Form 410, must be filed with the Office of the Secretary of State within 10 days by a committee which has qualified under subdivision (a) of Section 82013. (Section 84101.) A committee which is formed primarily to support or oppose specific candidates or specific measures must disclose that information on the Statement of Organization. (Sections 84102(d) and 82047.5.) If a committee is formed to support or oppose various candidates or measures, then the committee may provide as its statement of purposes "...a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics such as political party affiliation." (Section 84102(d).)

An amendment to a committee's Statement of Organization is required within 10 days whenever there is a change in the information contained in the statement (Section 84103(a)), or within 24 hours if specified changes occur within 16 days preceding an election in which a recipient committee is required to file preelection statements pursuant to Sections 84200.7 or 84200.8. (Section 84103.) The Commission has determined that:

If the Statement of Organization outlines the general activities of a committee and subsequent political activity will not change the original purposes as stated, no amendment need be made.

Baehr Advice Letter, A-77-329, copy enclosed.

Judith L. Haddad
July 22, 1987
Page 3

Substantial changes, such as a change in treasurer or in the name of the committee, require filing an amendment to the Statement of Organization. Therefore, CAP should file a statement which adequately describes its general purposes so that it is not required to amend its Statement of Organization every time it addresses another political issue.

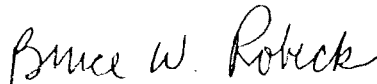
It appears that CAP meets the definition of a "county general purpose committee." General purpose recipient committees are required to file semi-annual campaign disclosure statements for each half of the calendar year. (Section 84200.) In addition, when a county general purpose recipient committee spends \$500 or more in support of or opposition to candidates or measures being voted upon in a county election, regular preelection statements must be filed. (Sections 84200.5, 84200.7 and 84200.8.) The "Information Manual on Campaign Disclosure Provisions of the Political Reform Act, 1987" (copy enclosed) explains filing obligations for your type of committee.

You inquired about giving "premiums" to contributors of \$20 or more. The Act does not prohibit a committee from providing incentives, such as a cap, in exchange for contributions. Of course, the cost of the caps, or other premium, is a reportable expenditure for political purposes. (Regulation 18225.)

If you have any questions regarding the advice in this letter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Bruce W. Robeck
Political Reform Consultant

DMG:BWR:kmt
Enclosure

El Dorado Hills Community Action Planning--"CAP"
State I.D. # 870092
P.O. Box 5168
El Dorado Hills, CA 95630
June 19, 1987

Jun 22 3 19 PM '87

Mr. Bruce Robeck
Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Dear Mr. Robeck:

As per our conversation the morning of June 19, 1987, I am submitting this letter to the FPPC to request guidance from you as to the filing dates and nature of forms "CAP" is required to file.

I have recently come on board with CAP as administrator (June 1987) and have been asked to assure the CAP committee members that all forms have been, and will be filed, as required. To date, to the best of my knowledge, the following has occurred:

1. This organization began as "Citizens for El Dorado Hills Park Review", having filed form 410 and qualified as a recipient committee on January 22, 1987.
2. An ammended form 410 was submitted shortly after March 8, 1987, to change the name to El Dorado Hills Community Action Planning Organization. A State I.D. # 870092 was given. Donations were accepted, in excess of \$500.00, on March 8, 1987 for the purpose of pursuing litigation on an environmental issue. Shortly thereafter, litigation was dropped by the attorney CAP had retained. CAP published in the newspaper, and mailed to all contributors an offer to return donated funds if the donors so desired...with the option that donors could leave their money with CAP to continue other community efforts. Those who requested refunds recieved them. The remaining funds were use to pursue the following community efforts:

April-May 1987...a community wide **opinion poll** asking our local governing body to not proceed with a 1962 issue bond sale to build a new park; also requesting the right to vote on what bond money is spent, when and for what purpose.

May 14-June 9...a **ballot initiative petition** to give the local governing agency the opportunity to declare all unused bonding authority null and void...on to allow the issue to go before a vote of the people. On June 10, 1987, the initiative qualified for the ballot.

End of May...another **ammended form 410** was submitted stating a change in purpose to include the ballot initiative as well as listing additional principal officers.

May 31-June 9...a **referendum petition** against the governing board's decision to go ahead and accept bids for bonds on June 16, 1987. The referendum was certified as qualified by County Elections on June 15, 1987.

June 15-16...In Superior Court of El Dorado County, CAP filed for a **Temporary Restraining Order** against the June 16th sale of the bonds...The Judge granted a continuance for demurer to July 10, 1987 on the validity of the referendum.

June 18- 19.....CAP is assisting the community in a **recall effort** of three local elected officials. One CAP member and four local residents signed the Notices of Intent to recall. CAP will be publishing the Notices of Intent in the local newspaper.

June 30CAP intends to hold an **informational and fund-raising rally**, to help fund all of the above mentioned efforts. CAP wishes to provide a baseball hat (with CAP's logo on it) to those who donate \$20.00 or more toward CAP's general fund.

July-Nov...CAP plans to **endorse and support candidates and ballot measures** for the November election.

Throughout the listed efforts, CAP has and will, from time to time, publish a Newsletter, distribute various flyers, print appropriate public notices in newspapers, incur substantial CAP-related phone bills, post offices charges, etc.

If you can decipher the following and recommend which forms we yet need to submit, and when, it would be greatly appreciated. An attorney for the opposition has publically questioned that CAP has filed the necessary paperwork, **especially as is related to our statement of purpose** on the form 410. He has not seen our most recent 410 ammendment which included the initiative in the statement of purpose.

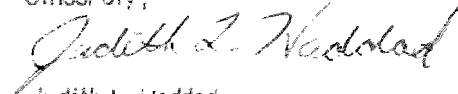
My primary question is: is it necessary to submit an ammended 410 every time CAP addresses another community issue?

Second, I realize the treasurer is required to file form 420 through June 30th, deadline for submission being July 31. **What other forms must be filed, and when, if we support candidate campaigns as well as ballot measures for November?**

Third, may we purchase and offer-in-return-for-donations, a premium such as a CAP cap?

Thank you for your attention to these matters!

Sincerely,



Judith L. Haddad
Chief Administrator

April 20, 1977

Mr. R. Theodore Baehr
Santa Barbara Tomorrow, Inc.
P.O. Box 3121
Santa Barbara, California 93105

Dear Mr. Baehr:

The Fair Political Practices Commission at its October 5, 1976 meeting directed the staff to interpret Sections 84102(d) and 84103 concerning amendments to Statements of Organization as follows:

If the Statement of Organization outlines the general activities of a committee and subsequent political activity will not change the original purpose as stated, no amendment need be made.

Very truly yours,

Regina Siciliano Kutchins
Technical Assistance Program
Coordinator

RSK:bw